

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEYSTONE INSURANCE COMPANY  
AS SUBROGEE OF BRENDA BOYD

Plaintiffs

vs.

NATIONAL RAILROAD PASSENGER  
CORPORATION A/K/A AMTRAK, AND  
KEVIN CONNORS

Defendants

CIVIL ACTION

NO.

JURY TRIAL DEMANDED  
12 JURORS REQUESTED

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE:**

The Petitioner, Defendant, National Railroad Passenger Corporation a/k/a Amtrak (hereinafter "Amtrak") and Defendant Kevin Connors, by and through its attorneys, Gallagher & Rowan, P.C., respectfully avers the following:

1. On February 26, 2007, this action was commenced against the Defendants in the Superior Court in and for New Castle County, Delaware, upon the filing of a Praecipe for Summons and Complaint. This case is known as **Keystone Insurance Company as Subrogee of Brenda Boyd vs. National Railroad Passenger Corporation a/k/a Amtrak, and Kevin Connors**, C.A. No. 07C-02-080 MJB. The Complaint is attached hereto, and made part hereof as Exhibit A.

2. Amtrak received service of the Plaintiff's Complaint on or about March 22, 2007.

3. Defendant Amtrak is a corporation created by an Act of Congress

codified at 49 U.S.C. § 24301, et seq.

4. The Federal Government owns and owned during all relevant times hereto more than one-half of the capital stock of the Defendant, Amtrak.

5. The above-described action is a Civil Action over which this Honorable Court has federal question jurisdiction under 28 U.S.C. §1331, given that Defendant Amtrak was created by an Act of Congress, wherein the United States is the owner of more than one-half of its capital stock. Eichelberg v. National Railroad Passenger Corp., 57 F.3d 1179 (2nd Cir. 1995); Foster v. National Fire, Marine & Inland Ins. Co., 986 F.2d 48, 51 (3d Cir. 1993); Capocy v. Kirtadze, et al., 1997 W.L. 182296 (N.D. Ill. 1997); Gibson v. National R. R. Corp., 170 F.R.D. 408 (E.D. Pa. 1997); Landman v. Borough of Bristol, 896 F. Supp. 406, 407-408 (E.D. Pa. 1995); Wormley v. Southern Pacific Transp. Co., 863 F. Supp. 382 (E.D. Tex 1994); Estate of Wright v. Illinois Cent. R. Co., 831 F.Supp. 574 (S.D. Miss. 1993); Boone v. National Railroad Passenger Corporation, 1993 W.L. 93 946 (E.D. Pa. 1993); Ritter v. Consolidated Rail Corporation, 1993 W.L. 29151 (E.D. Pa. 1993); Marcus v. Northeast Commuter Services Corp., 1992 W.L. 129637 (E.D. Pa. 1992); McManus v. Glassman's Wynnefield, Inc., 710 F.Supp. 1043 (E.D. Pa. 1989); In re: Rail Collision Near Chase, Maryland, on January 4, 1987; Harvey v. National Railroad Passenger Corporation, et al., 680 F.Supp. 728 (D.Ct. Md. 1987); See also, Nero v. Amtrak, 714 F.Supp. 753, 754 (E.D. Pa. 1989); Rivera v. City of Bethlehem, E.D. Pa. No. 92-3292, Memorandum Opinion and Order, July 20, 1992; Zawacki v. Penpac, Inc., 745 F.Supp. 1044 (M.D. Pa. 1990).

6. The above-described action is one which may be removed to this Honorable Court by Amtrak pursuant to the provisions of 28 U.S.C. §1441 et seq. in that this action has been brought in a state court, and a District Court of the United States has original jurisdiction under 28 U.S.C. §1331.

7. This Notice is filed with this Court within the time for removal set forth in 28 U.S.C. §1446(b), and as set forth in Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 119 S.Ct. 1322 (1999), inasmuch as the thirty (30) day period for removal, which runs from Amtrak's receipt of the Complaint, has not expired.

8. Defendant, National Railroad Passenger Corporation a/k/a Amtrak is alleged to be liable for the alleged negligence of Defendant Kevin Connors, an employee of Amtrak who was involved in the automobile accident as alleged in plaintiff's complaint.

9. Plaintiff Keystone Insurance Company as subrogee of Brenda Boyd allegedly suffered monetary damages when the Boyd vehicle collided with Amtrak employee Kevin Connors' vehicle in or around Adams Street and Lancaster Avenue in Delaware on November 14, 2003.

10. Written notice of the filing of this Notice will be given to the adverse parties as required by 28 U.S.C. §1446(d).

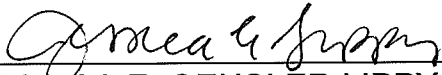
11. A true and correct copy of the Notice will be filed with the Prothonotary of the Superior Court of New Castle County, Delaware, as provided by 28 U.S.C. §1446(d).

12. Pursuant to U.S.C. §1446(a), there is found herewith and by reference

made a part hereof a true and correct copy of all process, pleadings and orders served upon the noticing party in this action.

WHEREFORE, Defendants, hereby pray that it may affect the removal of this action from the Superior Court , County of New Castle, Delaware to the United States District Court for the District of Delaware.

GALLAGHER & ROWAN, P.C.

BY:   
JESSICA E. GENSLER LIPPY, ESQUIRE  
Attorney I.D. No. 4426  
Siverside Carr Executive Center  
501 Siverside Road, Suite 94  
Wilmington, DE 19809  
(302) 798-2779  
Attorney for Defendants  
National Railroad Passenger Corporation a/k/a  
Amtrak and Kevin Connors

Date: 4/3/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEYSTONE INSURANCE COMPANY  
AS SUBROGEE OF BRENDA BOYD

Plaintiffs

vs.

NATIONAL RAILROAD PASSENGER  
CORPORATION A/K/A AMTRAK, AND  
KEVIN CONNORS

Defendants

CIVIL ACTION

NO. 1:05-cv-736

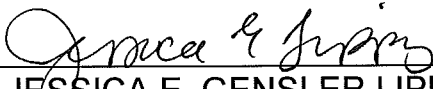
JURY TRIAL DEMANDED  
12 JURORS REQUESTED

**CERTIFICATE OF SERVICE**

I, Jessica E. Gensler Lippy, Esquire, attorney for National Railroad Passenger Corporation a/k/a Amtrak and Kevin Connors, hereby certify that a true and correct copy of the Notice of Removal, was served via first class mail, postage prepaid to:

William J. Cattie, III  
Rawle & Henderson, LLP  
300 Delaware Avenue  
Suite 1015  
PO Box 588  
Wilmington, DE 19899-0588

GALLAGHER & ROWAN, P.C.

BY:   
JESSICA E. GENSLER LIPPY, ESQUIRE  
Attorney I.D. No. 4426  
Silverside Carr Executive Center  
501 Silverside Road, Suite 94  
Wilmington, DE 19809  
(302) 798-2779  
Attorney for Defendants  
National Railroad Passenger Corporation  
a/k/a Amtrak and Kevin Connors

Date: 4/3/07

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

KEYSTONE INSURANCE COMPANY )  
as subrogee of Brenda Boyd, ) C.A. No.  
Plaintiff, )  
 )  
 ) ARBITRATION  
v. )  
 )  
 )  
NATIONAL RAILROAD PASSENGER )  
CORPORATION a/k/a AMTRAK and )  
KEVIN CONNORS, )  
 )  
 )  
Defendants. )

**PRAECIPE**

To: Clerk of the Court  
Office of the Prothonotary  
Superior Court  
500 North King Street  
Wilmington, DE 19801

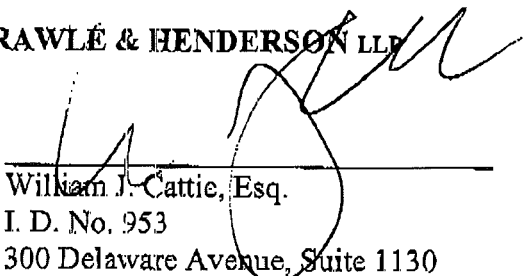
**PLEASE ISSUE WRIT** commanding the Sheriff of New Castle County to serve

Summons and Complaint upon Defendant:

1. National Railroad Passenger Corporation a/k/a Amtrak, c/o State of Delaware ,  
Department of State, Office of the Secretary, 401 Federal Street, Suite 3, Dover,  
DE 19901 pursuant 10 Del. C. § 3112.
2. Kevin Connors, c/o State of Delaware , Department of State, Office of the  
Secretary, 401 Federal Street, Suite 3, Dover, DE 19901 pursuant 10 Del. C. §  
3112.

**[SIGNATURE ON NEXT PAGE]**

**RAWLE & HENDERSON LLP**



---

William J. Cattie, Esq.

I. D. No. 953

300 Delaware Avenue, Suite 1130

P. O. Box 588

Wilmington, DE 19899-0588

Attorney for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

KEYSTONE INSURANCE COMPANY	)	
as subrogee of Brenda Boyd,	)	C.A. No.
Plaintiff,	)	
	)	ARBITRATION
v.	)	
	)	
NATIONAL RAILROAD PASSENGER	)	
CORPORATION a/k/a AMTRAK and	)	
KEVIN CONNORS,	)	
	)	
Defendants.	)	

**SUMMONS**

**THE STATE OF DELAWARE  
TO THE SHERIFF OF KENT COUNTY:**

**YOU ARE COMMANDED:**

To summon the named Defendant National Railroad Passenger Corporation a/k/a Amtrak at its principle office and place of business at 60 Massachusetts Avenue, N.E., Washington, DC 20002 by service upon them so that, within 20 days after service hereof on Defendant National Railroad Corporation a/k/a Amtrak, exclusive of the day of service, Defendant shall serve upon William J. Cattie, III, Esq., Plaintiff's attorney, whose address is Rawle & Henderson, LLP, 300 Delaware Avenue, Suite 1015, P. O. Box 588, Wilmington, Delaware 19801, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense).

To serve upon Defendant a copy hereof and of the Complaint (and of the Affidavit of Demand if any has been filed by Plaintiff).

Dated:

\_\_\_\_\_  
Prothonotary



**To the Above Named Defendant:**

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney, named above, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense), Judgment by Default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

Dated:

---

Prothonotary

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

KEYSTONE INSURANCE COMPANY	)	
as subrogee of Brenda Boyd,	)	C.A. No.
Plaintiff,	)	
	)	ARBITRATION
v.	)	
	)	
NATIONAL RAILROAD PASSENGER	)	
CORPORATION a/k/a AMTRAK and	)	
KEVIN CONNORS,	)	
	)	
Defendants.	)	

**SUMMONS**

**THE STATE OF DELAWARE  
TO THE SHERIFF OF KENT COUNTY:**

**YOU ARE COMMANDED:**

To summon the named Defendant Kevin Connors residing at 59 Orchard Lane, Levittown, PA 19055 by service upon him so that, within 20 days after service hereof on Defendant Kevin Connors, exclusive of the day of service, Defendant shall serve upon William J. Cattie, III, Esq., Plaintiff's attorney, whose address is Rawle & Henderson, LLP, 300 Delaware Avenue, Suite 1015, P. O. Box 588, Wilmington, Delaware 19801, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense).

To serve upon Defendant a copy hereof and of the Complaint (and of the Affidavit of Demand if any has been filed by Plaintiff).

Dated:

\_\_\_\_\_  
Prothonotary

**To the Above Named Defendant:**

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney, named above, an Answer to the Complaint (and, if an Affidavit of Demand has been filed, an Affidavit of Defense), Judgment by Default will be rendered against you for the relief demanded in the Complaint (or in the Affidavit of Demand, if any).

Dated:

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Prothonotary

# **CIVIL CASE INFORMATION STATEMENT (CIS)** **SUPERIOR COURT**

COUNTY: **N** K S

CIVIL ACTION NUMBER:

CIVIL CASE CODE: CPIN

CIVIL CASE TYPE: **Personal Injury**

CAPTION:

KEYSTONE INSURANCE COMPANY, as subrogee  
of Brenda Boyd,  
Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION a/k/a AMTRAK and KEVIN  
CONNORS,  
Defendants.

NAME AND STATUS OF PARTY FILING DOCUMENT:

Plaintiff, Keystone Insurance Company, as subrogee of  
Brenda Boyd

DOCUMENT TYPE: (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM  
Complaint

☐ NON-ARBITRATION

(CERTIFICATE OF VALUE MAY BE REQUIRED)

☒ ARBITRATION ☐ MEDIATION ☐ NEUTRAL ASSESSMENT

DEFENDANT (SELECT ONE) ☒ ACCEPT ☐ REJECT

JURY DEMAND ☐ YES ☒ NO

TRACK ASSIGNMENT REQUESTED: (SELECT ONE)

☐ EXPEDITED ☒ STANDARD ☐ COMPLEX

ATTORNEY NAME(S):

William J. Cattie, III, Esq.  
ID No. 953

IDENTIFY ANY RELATED CASES NOW PENDING IN THE  
SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER  
INCLUDING JUDGE'S INITIALS

FIRM NAME:

Rawle & Henderson, LLP  
10 Delaware Avenue, Ste. 1015  
Wilmington, DE 19899

EXPLAIN THE RELATIONSHIP(S):

TELEPHONE NUMBER: (302) 778-1200

FAX NUMBER: (302) 778-1400

E-MAIL ADDRESS:

wcattie@rawle.com

OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE  
PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS  
FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE  
MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR  
FIRST RESPONSIVE PLEADING BEING STRICKEN.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

KEYSTONE INSURANCE )  
COMPANY as subrogee of Brenda ) C.A. No.  
Boyd, )  
Plaintiff, ) ARBITRATION  
v. )  
NATIONAL RAILROAD )  
PASSENGER CORPORATION a/k/a )  
AMTRAK and KEVIN CONNORS, )  
Defendants.

COMPLAINT

1. Plaintiff Keystone Insurance Company is a duly organized corporation, which can be served through its undersigned counsel.
2. Defendant National Railroad Passenger Corporation a/k/a Amtrak is a duly organized for profit corporation, which can be served at its principle office and place of business at 60 Massachusetts Avenue., N.E., Washington, D.C. 20002 pursuant to 10 Del. C. § 3112 *et seq.*
3. Defendant Kevin Connors is an adult individual, who can be served at his residence 59 Orchard Lane, Levittown, PA 19055 pursuant to 10 Del. C. § 3112 *et seq.*
4. On November 14, 2003, the Plaintiff's subrogor, Brenda Boyd, was traveling on Adams Street near the intersection with Lancaster Avenue. The Defendant Kevin Connors was operating his vehicle on Lancaster Avenue at Adams Street.

5. On the aforesaid date, time and location, the Defendant Kevin Connors disregarded the red traffic signal for his lane of travel and struck the automobile operated by Plaintiff's subrogor, Brenda Boyd, as she entered the intersection.

6. At all relevant times, the Defendant Kevin Connors was acting in the course and scope of his employment with Defendant National Railroad Passenger Corporation a/k/a Amtrak, which is liable for his negligence under the Doctrine of *Respondeat Superior*.

7. Defendant Kevin Connors was negligent in that he:

- a. disregarded a red traffic control signal in violation of 21 Del. C. § 4108;
- b. failed to give full time and attention to the operation of the vehicle he was driving, in violation of 21 Del. C. § 4176(a);
- c. failed to maintain a proper lookout while operating his vehicle, in violation of 21 Del. C. § 4176(b);
- d. failed to exercise and maintain proper control of his vehicle; and
- e. operated the vehicle he was driving in a careless and imprudent manner, without due regard for traffic conditions then existing, in violation of 21 Del. C. § 4176(a);
- f. operated the vehicle he was driving at a speed greater than was reasonable and prudent under the conditions and without having due regard for the actual and potential hazards then existing, in violation of 21 Del. C. § 4176(a) and (b);

- g. operate the vehicle he was driving in wanton disregard for the safety of other persons or property, in violation of 21 Del. C. § 4176(a); and
- h. violated the common-law duty of lookout.

8. As a result of the negligence of the Defendants, Brenda Boyd suffered significant personal injury, including a fracture pelvis, which resulted in her death.

9. Plaintiff had issued to Brenda Boyd a policy of automobile insurance, No. 1342 4137, which provided \$100,000 per person/\$300,000 per accident of No Fault coverage pursuant to 21 Del. C. § 2118.

10. Pursuant to its policy of insurance, Plaintiff paid \$5,000 towards the funeral expenses of Brenda Boyd on March 2, 2004.

11. Additionally, Plaintiff paid \$48,605.64 for medical treatment as a result of the injuries suffered by Brenda Boyd, on various dates beginning March 5, 2004.

12. Pursuant to 21 Del. C. § 2118(g), Plaintiff has a direct cause of action against the Defendants. See Waters v. United States of America, 787 A.2d 71 (Del. Supr., 2001).

13. This suit is brought within three years of the first payment made by Plaintiff to or on behalf of its Insured, Brenda Boyd, and is timely. See Harper v. State Farm Mutual Automobile Insurance Company, 703 A.2d 136 (Del. Supr., 1997); Nationwide General Insurance Company v. The Hertz Corporation, C.A. No. 05C-12-008 FSS (Del. Super., September 18, 2006).

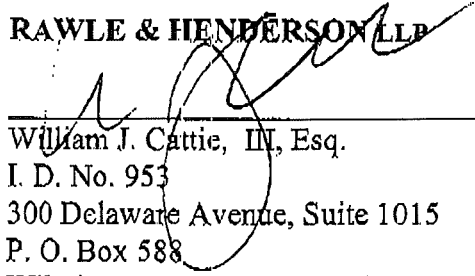
14. Defendants remain directly liable to the Plaintiff in the amount of \$53,605.64 regardless of any agreement reached by the Defendants with the personal

representative of Brenda Boyd, which attempts to provide otherwise. Progressive Insurance Company v. Bowman, C.A. 96C-04-072-SCD (Del. Super., October 20, 1996).

15. Plaintiff is entitled to interest at the legal rate of interest beginning on the date the above payments were made pursuant to 6 Del. C. § 2301.

WHEREFORE, Plaintiff demands Judgment against the Defendants in the amount of \$53,605.64 plus interest and costs of suit.

**RAWLE & HENDERSON LLP**

  
\_\_\_\_\_  
William J. Cattie, III, Esq.  
I. D. No. 953  
300 Delaware Avenue, Suite 1015  
P. O. Box 588  
Wilmington, DE 19899-0588  
(302) 778-1200  
Attorney for Plaintiff



07 - 196

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

KEYSTONE INSURANCE COMPANY  
AS SUBROGEE OF BRENDA BOYD

(b) County of Residence of First Listed Plaintiff UNKNOWN  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) (302) 778-1200  
WILLIAM J. CATTIE III  
PAULE HENDERSON LLP  
300 DELAWARE AVE STE 1015 BOX 538  
WILMINGTON, DE 19899-0538

## DEFENDANTS

NATIONAL RAILROAD PASSENGER CORPORATION  
/ KIA AMTRAK & KEVIN CONNORS

County of Residence of First Listed Defendant WASHINGTON, D.C.  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)  
JESSICA LIPPY GALLAGHER & ROWAN, P.C.  
501 SILVERSIDE ROAD, STE 94  
WILMINGTON, DE 19809 (302) 798-2719

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                                   |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property					

## V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1331 / 28 USC 1441

Brief description of cause: SUBROGATION ACTION, REMOVAL BASED UPON FEDERAL QUESTION - AMTRAK CREATED BY CONGRESS

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/3/07

SIGNATURE OF ATTORNEY OF RECORD

*Jessica Lippy*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-196

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

APR 05 2007

(Date forms issued)



(Signature of Party or their Representative)

ROBERT A. ELLIOTT

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action